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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,066	03/15/2004	Jaime E. Garcia	JK01257	1246
28268	7590	07/06/2006	EXAMINER	
<b>THE BLACK &amp; DECKER CORPORATION</b> 701 EAST JOPPA ROAD, TW199 TOWSON, MD 21286				PETERSON, KENNETH E
		ART UNIT		PAPER NUMBER
				3724

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/801,066	GARCIA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth E. Peterson	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 May 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) 2-21 and 23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

Art Unit: 3724

1. Claim 1 is objected to for incongruent titling. The title is a “riving knife assembly *for use with* a saw assembly”, but then the body of the claim goes on and positively recites parts of the saw assembly. Since Examiner has to give weight to the positively recited parts of the saw assembly, the correct title is a “riving knife assembly *in combination with* a saw assembly”.
  
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 22 are rejected under 35 U.S.C. 103(a) as being obvious over Huang ‘144 in view of Hammond ‘320.

Huang shows a table saw with most of the recited limitations including a saw blade raising mechanism (lines 48-52, column 2) and a riving knife (figure 2) having plural slots (82). The slots are not non-perpendicular to the work surface. However, it has long been known to have the work surface be angularly adjustable, such as seen in Hammond’s figure 9. It would have been obvious to one of ordinary skill in the art to have modified Huang by making the work surface angularly adjustable, as taught by Hammond, in order to ease the process of bevel cutting. After the modification and angling of the work surface, the slots of the riving knife would not be perpendicular to the work surface.

4. Claims 1 and 22 are rejected under 35 U.S.C. 103(a) as being obvious over Huang ‘144

in view of Bennet '196.

Huang shows a table saw with most of the recited limitations including a saw blade raising mechanism (lines 48-52, column 2) and a riving knife (figure 2) having plural slots (82).

The slots are not non-perpendicular to the work surface. However, it has long been known to have the riving knife slots be set obliquely, as shown by Bennet (14). It would have been obvious to one of ordinary skill in the art to have modified Huang by making the slots oblique, as taught by Bennet, in order to be able to position the riving knife close to the blade regardless of the set height of the blade.

In regards to the beveling capability of claim 22, Examiner takes Official Notice that it is standard for saws such as Huang's to have a beveling capability. An example of this is the patent to Hammond '320 (see figures 9 and 10). It would have been obvious to one of ordinary skill in the art to have modified Huang by making the saw have beveling capabilities, as is well known, in order to make bevel cuts.

5. Applicant's arguments with regards to the claims are moot in view of the new grounds of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4504. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP  
29 June 06



KENNETH E. PETERSON  
PRIMARY EXAMINER